



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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FOR IMMEDIATE RELEASE

DA 07-1783

Released: April 19, 2007

THE CONSUMER & GOVERNMENTAL AFFAIRS BUREAU REMINDS COMMERCIAL MOBILE RADIO SERVICE PROVIDERS OF THEIR OBLIGATION TO REGISTER AND UPDATE DOMAIN NAMES USED TO TRANSMIT ELECTRONIC MESSAGES TO WIRELESS DEVICES

CG Docket No. 04-53

The Consumer & Governmental Affairs Bureau (CGB) reminds Commercial Mobile Radio Service (CMRS) providers that, in order to protect wireless subscribers from unwanted commercial electronic mail messages, providers have an ongoing obligation to register and update with the Federal Communications Commission (FCC or Commission) the wireless Internet electronic domain names used by their subscribers for wireless messaging. In 2003, Congress enacted the Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM) Act which, among other things, prohibits the sending of Mobile Service Commercial Messages (MSCMs) to wireless devices without express prior authorization.¹ The Commission adopted rules implementing this prohibition in August 2004.² These rules, among other things, require CMRS providers to “identify all electronic mail domain names used to offer subscribers messaging specifically for wireless devices in connection with commercial mobile service . . .”³ On December 17, 2004, the Commission announced that CMRS providers could begin

¹ Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, Pub. L. No. 108-187, 117 Stat. 2699 (2003) (*CAN-SPAM Act* or Act), codified at 15 U.S.C. §§ 7701-7713, 18 U.S.C. § 1037, and 28 U.S.C. § 994. See also 47 C.F.R. § 64.3100(c)(7).

² Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, CG Docket No. 04-53, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278, Order, 19 FCC Rcd 15927 (2004) (*CAN-SPAM Order*). See also 47 C.F.R. § 64.3100. Specifically, the rules prohibit the transmission of unwanted commercial messages to any address referencing an Internet domain name associated with a wireless subscriber messaging service, unless the individual addressee has given the sender express prior authorization. See 47 C.F.R. § 64.3100(a)(1). To assist the senders of such messages in identifying wireless subscribers, FCC rules require that CMRS providers file with the FCC the names of all electronic domain names used to offer electronic mail messages that are transmitted directly to a wireless device utilized by a subscriber of a commercial mobile service (as such term is defined in section 332(d) of the communications Act of 1934 (47 U.S.C. 332(d)) in connection with such service. See 47 C.F.R. § 64.3100(e) and *CAN-SPAM Order*, 19 FCC Rcd at 15938.

³ 47 C.F.R. § 64.3100(e)

submitting electronic mail domain names for inclusion in a wireless domain name data base.⁴ This notice also reminded CMRS providers of their obligation to:

- 1) file any future updates to listings with the Commission not less than thirty (30) days before issuing subscribers any new or modified domain name;⁵ and
- 2) remove any domain name that has not been issued to subscribers or is no longer in use within six (6) months of placing it on the list or last date of use.⁶

On February 7, 2005, the Commission announced the availability of the wireless domain name list on its web site to senders of commercial messages.⁷ The Commission also notified senders of MSCMs that they had “thirty days to comply with the prohibition on initiating MSCMs to any electronic mail address that references any domain names on the list unless they have received express prior authorization” or the MSCM falls under an exception to the general ban.⁸

CGB now reminds CMRS providers that they are responsible for the continuing accuracy and completeness of information furnished for the wireless domain names list. The wireless domain names list is updated *only* when CMRS providers submit new domain names or delete unused domain names. The Commission also reminds senders of MSCMs of their obligation to routinely check the list and update their address lists including wireless domain names accordingly. CMRS providers may submit their domain names at <http://www.fcc.gov/cgb/policy/DomainNameInput.html>. Senders of MSCMs may access the domain names list at <http://www.fcc.gov/cgb/policy/DomainNameDownload.html>. Any party unable to access the list electronically, or who believes a domain name has been omitted or added in error, should contact CGB at the contact name and number listed below.

FOR FURTHER INFORMATION CONTACT: Kelli Farmer, Consumer Policy Division, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 202-418-2512 (voice).

To request materials in accessible formats **for** people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This **Public Notice** can also be downloaded in Word or Portable Document Format (PDF) at <http://www.fcc.gov/cgb/policy>.

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⁴ *The Consumer & Governmental Affairs Bureau Announces the Availability of an Electronic Submission Process on December 20, 2004 For CMRS Carriers to Comply with the Wireless Domain Names List Established Under the CAN-SPAM Act*, CG Docket No. 04-53, Public Notice (*Domain Name Submission PN*), 19 FCC Rcd 24335 (2004).

⁵ *Id.* See also 47 C.F.R. § 64.3100(f)(1)

⁶ *Domain Name Submission PN*, 19 FCC Rcd at 24335. See also 47 C.F.R. § 64.3100(f)(2).

The Consumer & Governmental Affairs Bureau Announces the Availability of a Wireless Domain Names List; Senders of Commercial Messages Have 30 Days to Cease Sending Unauthorized Text and E-Mail Messages to Wireless Subscribers, CG Docket No. 04-53, Public Notice, 20 FCC Rcd 2334 (2005). The wireless domain names list can be viewed on the FCC web site at www.fcc.gov/cgb/policy/DomainNameDownload.html.

⁸ *Id.*



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APR 23 2007

DA 07-1798
April 20, 2007

FCC WASHINGTON

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON AT&T'S REQUEST FOR
LIMITED MODIFICATION OF THE LAIA BOUNDARY TO PROVIDE EXPANDED
AREA SERVICE BETWEEN THE LEESVILLE AND FLORIEN EXCHANGES
IN THE STATE OF LOUISIANA**

WC DOCKET NO.07-85

Comments Due: May 21, 2007
Reply Comments Due: June 5, 2007

By this Public Notice, we seek comment on a petition filed on April 4, 2007 by AT&T Inc., on behalf of BellSouth Telecommunications, Inc. d/b/a AT&T Louisiana ("AT&T"), requesting a limited modification of the local access and transport area (LATA) boundary to provide expanded area service ("EAS") between its Leesville and Florien exchanges. Both exchanges are in Louisiana.

This Public Notice establishes certain procedural requirements relating to consideration of AT&T's petition. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R §§ 1.415, 1.419, interested parties may file comments on or before **May 21, 2007** and reply comments on or before **June 5, 2007**. All filings should refer to WC Docket No. **07-85**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgblecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov/>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers

should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). **All** filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Parties should also send a copy of their filings to Janice Myles, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-C140, 445 12th Street, SW, Washington, DC 20554, or by e-mail to janice.myles@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals 11, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in WC Docket No. **07-85** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals 11, 445 12th St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

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For further information regarding this proceeding, contact CeCi Seppings, Competition Policy Division, Wireline Competition Bureau, (202) 418-1588.